IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

SECOND APPEAL NO.705 OF 2001

Arvind Kisan Mayekar, .. Appellant.
Vs
Madhukar Kisan Mayekar and ors. .. Respondents.

Mr R.M.Nakhwa, for the appellant.
Mr Sandip S Jinsiwale, for the respondents.

CORAM : **D.B.BHOSALE,J.**
DATE : 12/02/2007
PC:

1. Heard the learned counsel for the parties.

2. This appeal is directed against the concurrent judgments of the courts below, by which a suit instituted by the father of the appellant stands dismissed. The father of the appellant died during pendency of the appeal and hence the appellant and respondent nos 3 to 18 were brought on record as his heirs and legal representatives. The suit was filed for injunction simplicitor. The courts below, after having appreciated the evidence on record, have recorded a categoric finding that the suit property is the joint family property of the parties and not self acquired property, as claimed by the original-plaintiff Kisan Mayekar. Mr Nakhwa, learned counsel for the appellant, invited my attention to the evidence of Madhukar

Mayekar, that is defendant no.1, and submitted that certain admissions given by him have been misinterpreted by the courts below. I perused the evidence as also the reasons recorded by the courts below. In my opinion, the courts below have not committed any error in dismissing the suit for the reasons stated in the impugned judgments. The findings recorded by the courts below do not warrant any interference in the second appeal under section 100 of the Code of Civil Procedure as I find sufficient material on record to sustain those findings. No substantial question of law is either raised or involved in the instant appeal. In the circumstances, this second appeal is dismissed in limine.

(D.B.BHOSALE,J.)